

REMARKS

Upon entry of this amendment, claims 1, 3-4, 9-10, and 12-42 constitute the pending claims in the present application. Claims 2, 5-8, and 11 have been canceled without prejudice. Claims 26-42 have been added. Claims 1, 3-4, 9-10, 12-17, 19, and 22 have been amended. Applicants submit that no new matter has been introduced by the claim amendments or the new claims, and that the claim amendments and the new claims are fully supported by Applicants' original specification and claims. The claim amendments are made solely to expedite prosecution of the application, and Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications.

In reply to the outstanding Restriction Requirement, mailed July 19, 2002, in connection with the above application, Applicants hereby elect, with traverse, Group I (claims 1-15, 20, and 22), drawn to a method for attenuating expression of a target gene in a cell. Applicants traverse this restriction requirement based on the reasons which follow.

Applicants respectfully submit that Group I is closely related to Groups II-IV and the ungrouped new claims 26-40. Claims of these groups as well as the ungrouped new claims 26-40 are all directed to the same mechanism, that is, inactivating a target gene by double stranded RNA (dsRNA), regardless of compositions or methods thereof. In fact, Groups I and II both belong to class 435, subclass 6. Thus, simultaneous examination of the pending claims of Groups I-IV and the new claims 26-40 will not impose a substantial additional burden on the Examiner.

Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

Secondly, some claims in one group directly depend on a claim in a different group. For example, claims 17-19 of Group III depend on claim 16 of Group II.

Applicants note that, pursuant to MPEP 809, restriction must be withdrawn upon indication of an allowable generic claim.

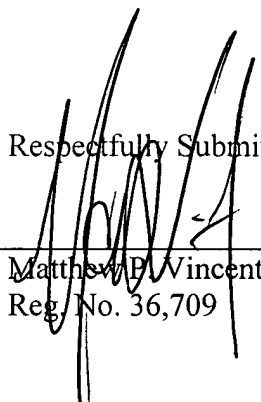
For the above reasons, Applicants submit that there is no significant additional burden on the Examiner to search Groups II-IV and the new claims 26-40 together with the elected Group I. Therefore, reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants hereby petition for the time to reply to be extended to August 13, 2002, and request that the one-month extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Date: December 18, 2002

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Respectfully Submitted,



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